

**EVENT VIOLATION**  
**INSPECTOR'S STATEMENT**  
**MINERALS REGULATORY PROGRAM**

Company/Mine: MMG Mining/ Mark Carter  
Permit #: M/025/012

CO # MC-05-02-02(1)  
Violation # 1 of 1

**SERIOUSNESS**

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation**. Mark and explain each event.

- |                                     |    |  |
|-------------------------------------|----|--|
| <input checked="" type="checkbox"/> | a. | Activity outside the approved permit area.                     |
| <input type="checkbox"/>            | b. | Injury to the public (public safety).                          |
| <input type="checkbox"/>            | c. | Damage to property.  |
| <input checked="" type="checkbox"/> | d. | Conducting activities without appropriate approvals.           |
| <input type="checkbox"/>            | e. | Environmental harm.  |
| <input type="checkbox"/>            | f. | Water pollution.   |
| <input type="checkbox"/>            | g. | Loss of reclamation/revegetation potential.                    |
| <input type="checkbox"/>            | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input type="checkbox"/>            | i. | No event occurred as a result of the violation.                |
| <input type="checkbox"/>            | j. | Other.   |

Explanation: The operator mined outside his permitted five acre area without prior approval or an approved Large Mine Permit.

2. Has the event or damage occurred? Yes  
If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: The operator has expanded the quarry disturbance to a total of 8.94 acres. A total of 2.16 acres of this disturbance was reclaimed ~a year ago, but has not been released.

3. Did any damage occur as a result of the violation? Yes

4. If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: A new entrance has been constructed into the quarry area. This entrance is in addition to the quarry entrance off a county road. Only 2.16 acres of a planned 3.26 acre reclamation were reclaimed

**GOOD FAITH**

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: Upon receipt of the CO the operator began to reclaim additional areas in an attempt to remain under the five acre limit of the small mine permit. A visit is scheduled later this month to document the extent of the reclamation effort.


2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: The operator had equipment onsite to complete the reclamation and did so immediately.

3. Was the submission of plans prior to physical activity required by this NOV / CO?        If yes, explain.

Explanation:       

Doug Jensen  
Authorized Representative

  
Signature

Sept 13, 2005  
Date



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**B. DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: \_\_\_\_\_

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: Lack of reasonable care. The operator failed to complete the planned reclamation and constructed an additional entrance into the quarry which resulted in the disturbed acreage at the site exceeding five acres.

- ☒ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: The operator reclaimed 2.16 acres of a planned 3.26 acre reclamation in 2004. An additional entrance and road was built into the quarry that added acreage to the total disturbance. The total disturbance at the site now total 8.94 acres, the total includes the 2.16 acre reclaimed area.

- ☐ Was the operator in violation of a specific permit condition?

Explanation: \_\_\_\_\_

- ☐ Has DOGM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: \_\_\_\_\_

Was any economic benefit gained by the operator for failure to comply? \_\_\_\_\_

If yes explain.

Explanation: \_\_\_\_\_



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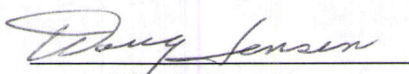
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